

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ISMAEL ANTONIO MURPHY-
RICHARDSON,

Petitioner,

v.

ARIZONA DEPARTMENT OF
CORRECTIONS, et al.,

Respondents.

Case No. [21-cv-09970-HSG](#)

ORDER OF TRANSFER

Petitioner, an inmate housed at Arizona State Prison Complex – Eyman in Florence, Arizona, has filed a pleading seeking emergency injunctive relief under Fed. R. Civ. P. 65 and stated his intent to seek a petition for a writ of mandamus.¹ Dkt. Nos. 1, 2. Petitioner has named as defendants the Arizona Department of Corrections (“DOC”), Arizona DOC director David Shim, the Arizona Attorney General, the Arizona district court, the state of Arizona, and the Superior Court of Arizona. He claims that this Court has jurisdiction under the Patriot Act and appears to be alleging that he is illegally confined by the state of Arizona. Section 1391(b) of the United States Code, title 28, provides that venue for a civil action is proper in either the judicial district in which any defendant resides or in the judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). None of the defendants reside in this district and the challenged event – Petitioner’s conviction – did not occur in this district. All parties reside in Arizona, and the relevant event occurred in Arizona. Venue

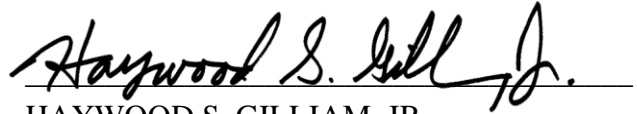
¹ The Clerk has informed Petitioner that this action is deficient because he has not filed a complete complaint on the proper form, and because he has neither paid the filing fee nor obtained leave to proceed *in forma pauperis*. Dkt. Nos. 3, 4.

1 therefore properly lies in the District of Arizona. *See* 28 U.S.C. §§ 83, 1391(b).

2 Accordingly, IT IS ORDERED that, in the interest of justice and pursuant to 28 U.S.C.
3 § 1406(a), this action be TRANSFERRED to the United States District Court for Arizona.

4 **IT IS SO ORDERED.**

5 Dated: December 23, 2021

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7 HAYWOOD S. GILLIAM, JR.
8 United States District Judge
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